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Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF ARIZONA**

MARTHA REYNAGA,

Plaintiffs,

v.

NATIONAL CREDIT SYSTEMS, INC., a  
 Georgia Corporation,

Defendant.

Case No.: \_\_\_\_\_

**COMPLAINT AND  
 DEMAND FOR JURY TRIAL**

**INTRODUCTION**

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collections Practices Act, 15 U.S.C.A. §1692, et. seq. (hereinafter "FDCPA").

**JURISDICTION**

2. Jurisdiction of the Court arises under 15 U.S.C. §1692k(d), 15 U.S.C. §1681(p), 28 U.S.C. §1337(a).

**PARTIES**

3. Plaintiff Martha Reynaga is a natural person residing in San Luis, Arizona.
4. Defendant National Credit Systems, Inc. is a Georgia corporation engaged in the

1 business of collecting debts. The principal purpose of Defendant National Credit Systems,  
2 Inc. is the collection of debts using mail and telephone, and Defendant National Credit  
3 Systems, Inc. regularly attempts to collect debts alleged to be due another.

#### 4 **FACTUAL ALLEGATIONS**

5 5. Ms. Reynaga is a low income farmworker.

6 6. Beginning in November 2010, Defendant began contacting Ms. Reynaga by  
7 telephone in attempts to collect an alleged debt owed to a third party.

8 7. During the first telephone conversations, Defendant informed Ms. Reynaga that  
9 it was not a collection agency. In fact, during these first telephone conversations, Defendant  
10 informed Ms. Reynaga that if she paid the full amount her alleged debt would not be sent to  
11 a collection agency.

12 8. On June 9, 2011, Ms. Reynaga retained Community Legal Services to represent  
13 her in her matter with Defendant National Credit Systems.

14 9. On June 10, 2011, Pamela Bridge, an attorney for Community Legal Services,  
15 contacted Defendant via telephone and informed Defendant that she was representing Ms.  
16 Reynaga.

17 10. Within the hour, Defendant contacted Ms. Reynaga by telephone and asked her  
18 reasons for retaining an attorney. Despite knowing that Ms. Reynaga had retained  
19 representation, Defendant then attempted to negotiate with Ms. Reynaga concerning her  
20 alleged debt.

21 11. Ms. Reynaga became very upset by this phone conversation and suffered  
22 emotional damage.

#### 23 **CAUSE OF ACTION**

24 12. Ms. Reynaga repeats, realleges and incorporates by reference paragraphs one  
25 through 11.

26 13. Defendant violated the FDCPA. Defendant's violations include, but are not  
27 limited to, the following:

28 a. The use of false, deceptive or misleading representatives or means in

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connection with the collection of a debt; 15 U.S.C. §1692e;

- b. Misrepresenting the character, amount, or legal status of the debt; 15 U.S.C. §1692(e)(2)(A);
- c. Communicating with a consumer it knows to be represented by an attorney; 15 U.S.C. §1692c(a)(2);
- d. The use of unfair or unconscionable means to collect or attempt to collect any debt; 15 U.S.C. §1692f;

14. As a result of Defendant's violations of the FDCPA, Ms. Reynaga suffered damages in an amount to be determined by this Court.

15. Defendant is therefore liable to Ms. Reynaga in the amount of Ms. Reynaga's actual damages, statutory damages in the amount of \$1,000, and costs and attorney fees. 15 U.S.C. §1692k(a).

### **JURY DEMAND**

16. Ms. Reynaga demands a jury on all issues so triable.

### **PRAYER FOR RELIEF**

WHEREFORE, Ms. Reynaga prays that this Court award her:

- a. Her actual damages;
- b. Statutory damages in the amount of \$1,000.00 pursuant to 15 U.S.C. §1692k(a)(2);
- c. Attorney's fees and costs in bringing this action pursuant to 15 U.S.C. §1692k(a)(3);
- d. Pre-judgment and post-judgment interest; and
- e. Such other relief as it deems just.

**RESPECTFULLY SUBMITTED** this 6<sup>th</sup> day of July, 2011.

COMMUNITY LEGAL SERVICES

/s/Pamela M. Bridge  
Pamela M. Bridge  
Attorney for Plaintiff